(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO.657 OF 2003

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Smt. A. A. Agni, advocate for the petitioners.

Shri H. D. Naik, Additional Government Advocate for respondent nos. 1 and 2.

CORAM : D. G. KARNIK, J.

DATE : 16th April, 2004.

P.C.:

Heard learned counsel for the petitioners and respondent nos. 1 and 2. Respondent no.3 is absent, though served. It is alleged that the petitioners are using the disputed right of way as a right through the land of respondent no.3. An application for injunction, however, was rejected by the trial Court as well as the First Appellate Court. Considering the nature of the dispute between the parties and considering the fact that the petitioners have alleged continuous

user for a period of more than 60 years, and considering that the Appellate Court has only held that use could be permissive, it would be appropriate to order maintenance of status quo, but with a direction to the trial Court to hear and dispose of the suit as expeditiously as possible.

Accordingly, the parties are directed to maintain status quo as existed on the date of the suit. The trial Court is directed to dispose of the suit as expeditiously as possible and, in any event, within a period of six months from the date of receipt of the writ. Petition disposed of, in aforesaid terms.

D. G. KARNIK, J.

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